

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MARCUS GREEN

PLAINTIFF

v.

No. 4:08CV166-A-S

**MISSISSIPPI STATE PRISON,
WARDEN BREWER,
UNIT 29 MEDICAL STAFF,
UNIT 42 HOSPITAL DOCTOR**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATIONS

On consideration of the file and record of this action, a hearing having been conducted by the magistrate judge pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), the Court finds that the Report and Recommendations of the United States Magistrate Judge dated September 15, 2009, was on that date duly served by regular mail upon the *pro se* plaintiff; that more than ten days have elapsed since service of said Report and Recommendations; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendations should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendations of the United States Magistrate Judge dated September 15, 2009, are hereby approved and adopted as the opinion of the Court.
2. That the plaintiff's complaint is hereby dismissed with prejudice for failure to state a claim.

THIS, the 13th day of October, 2009.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE